

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 12-7935-CAS (Ex)	Date	April 2, 2013
Title	GRANT GILMORE V. AMERICAN MORTGAGE NETWORK, ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER		
Catherine Jeang	Not present		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants	
Not present		Not present	

Proceedings: (In Chambers:) **PLAINTIFF'S MOTION TO ENLARGE TIME TO AMEND HIS RICO CAUSE OF ACTION** (filed February 25, 2013) [Dkt. No. 49]

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of April 8, 2013, is vacated, and the matter is hereby taken under submission.

On December 10, 2012, the Court granted various defendants' motions to dismiss for failure to state a claim. Dkt. No. 36. The Court gave plaintiff thirty days in which to file an amended complaint or risk dismissal with prejudice. Plaintiff was provided with a RICO case statement indicating what plaintiff must plead to state a RICO claim. However, plaintiff failed to file an amended complaint before the deadline.

On January 9, 2013, plaintiff filed a "Motion for Relief from Order" pursuant to Federal Rule of Civil Procedure 60(b). Dkt. No. 37. The Court deemed this filing to be a motion for reconsideration of the Court's order granting defendants' motions to dismiss without prejudice and denied the same on February 12, 2013. Although the original deadline had passed, the Court granted plaintiff an additional seven (7) days to file an amended complaint. In accordance with the Court's order, plaintiff filed his First Amended Complaint ("FAC") on February 19, 2013. Plaintiff's FAC does not include a RICO claim.

On February 25, 2013, plaintiff filed the instant motion for an enlargement of time in which to amend his RICO claim. Dkt. No. 49. Plaintiff seeks thirty to sixty additional days in which to amend his RICO claim, in order to conduct the necessary legal research

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and discovery for adequately pleading the elements of this claim. Defendants have filed oppositions to plaintiff's request for additional time.

Because plaintiff has already filed an amended complaint without a RICO claim, the Court construes plaintiff's motion to be a motion for leave to file a second amended complaint, one that includes a RICO claim. After considering the parties' filings, the Court denies plaintiff's motion. The Court already provided plaintiff with thirty days in which to amend his RICO claim, along with a RICO case statement indicating how plaintiff should proceed in amending his claim. However, despite filing an amended complaint, plaintiff failed to include a RICO claim in his FAC. Having already filed an amended complaint, plaintiff has not demonstrated good cause as to why he should be afforded yet another opportunity to plead an amended RICO claim. Plaintiff has already been provided with ample opportunity in which to do so.

Accordingly, the Court DENIES plaintiff's motion for an enlargement of time. Because plaintiff has failed to amend his RICO claim, the Court DISMISSES this claim with prejudice.

IT IS SO ORDERED.

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Initials of Preparer	CMJ		